

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

TABITHA I. DENNISON,)	
PLAINTIFF,)	
)	
vs.)	CASE No. 11-CV-245-FHM
)	
MICHAEL J. ASTRUE, Commissioner,)	
Social Security Administration,)	
DEFENDANT.)	

OPINION AND ORDER

Plaintiff has filed a Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act [Dkt. 21] (EAJA), 28 U.S.C. § 2412(d). The motion requests an award of \$4,984.30 in attorney fees. The Commissioner filed a Response stating he has no objection to the Court awarding EAJA fees in the amount of \$4,984.30.

The Court finds the hourly rate and number of hours expended to be reasonable. Plaintiff is GRANTED EAJA fees in the amount of \$4,984.30. In the event attorney fees are also awarded under 42 U.S.C. § 406(b)(1), Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

SO ORDERED this 18th day of December, 2012.


FRANK H. MCCARTHY
UNITED STATES MAGISTRATE JUDGE